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7  
8 IN THE UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 FERNANDO CASTRO BAZAN,  
15 Defendant.

CASE NO. 2:21-CR-00196-DJC  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

COURT: Hon. Daniel J. Calabretta

16  
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on May 23, 2023, before District Judge  
21 Dale A. Drozd. Time has been excluded until this date. ECF No. 37.

22 2. On April 28, 2022, a federal grand jury in the Southern District of California returned an  
23 indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*,  
24 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022 and remains in pretrial  
25 custody in the Southern District of California for this separate federal case. Order of detention, 3:22-CR-  
26 971-JO, ECF No. 52.

27 3. On April 6, 2023, the Court issued a minute order reassigning this case to District Judge  
28 Daniel J. Calabretta, vacating the May 23, 2023 status date, and ordering the parties to confer and

1 request a new date. ECF No. 38.

2 4. By this stipulation, the parties now move request to set a status conference on June 1,  
3 2023, at 9:00 a.m., and to exclude time between May 23, 2023, and June 1, 2023, under Local Codes T4  
4 and M.

5 5. The parties agree and stipulate, and request that the Court find the following:

6 a) The government has represented that the discovery associated with this case  
7 includes investigative reports, undercover surveillance footage, recorded calls in English and  
8 Spanish, phone records, and other evidence. All of this discovery has been either produced  
9 directly to counsel and/or made available for inspection and copying.

10 b) Counsel for defendant desires additional time to consult with her client, review  
11 the current charge, to conduct investigation and research related to the charge, to review and  
12 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

13 c) Counsel for defendant believes that failure to grant the above-requested  
14 continuance would deny her the reasonable time necessary for effective preparation, taking into  
15 account the exercise of due diligence.

16 d) The government does not object to the continuance.

17 e) Based on the above-stated findings, the ends of justice served by continuing the  
18 case as requested outweigh the interest of the public and the defendant in a trial within the  
19 original date prescribed by the Speedy Trial Act.

20 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
21 et seq., within which trial must commence, the time period of May 23, 2023 to June 1, 2023,  
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
23 because it results from a continuance granted by the Court at defendant's request on the basis of  
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
25 of the public and the defendant in a speedy trial.

26 g) Given the defendant's current unavailability as a result of his pretrial custody in  
27 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local  
28 Code M].

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 24, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: April 24, 2023

/s/ NOA OREN  
NOA OREN  
Counsel for Defendant  
FERNANDO CASTRO BAZAN

**ORDER**

IT IS SO FOUND AND ORDERED this 24<sup>th</sup> day of April, 2023.

/s/ Daniel J. Calabretta  
THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE